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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/606,271	POLLARI, PEKKA	
	Examiner	Art Unit	
	Tonya Joseph	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02/08/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-8,10,11 and 14-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-8, 10-11 and 14-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Applicant has previously canceled claims 4, 9 and 12-13. Claims 19-24 have been added. Thus claims 1-3, 5-8, 10-11 and 14-24 remain pending and are presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 5-8, 10-11, 14-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 15 teaches a wireless terminal consisting of an application and a business relationship module. Software *per se* is not one of the recognized statutory classes of invention, as such, the claimed invention as it is currently presented fails to meet the requirements under 35 U.S.C 101.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-10, 14-16, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman et al. U.S. Pre Grant Publication No. 2002/0029347 A1 in view of Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in further view of Emondi et al. U.S. Pre-Grant Publication No. 2002/0016748 A1.

7. As per Claims 1 and 18, Edelman teaches receiving from an application hosted by the wireless terminal a request to determine whether the application is registered with the operator network (see para. 60; para. 62 lines 1-4 and para. 59 lines 3-10); referring to one or more data stores hosting information on registration of applications to determine whether the application is registered with the operator network (see para. 60, Examiner is interpreting a licensing medium as a data store); and signaling to the application that the application is registered if by referring to the one or more data stores the business relationship manager finds that the application is registered (see para. 59 lines 3-10 and para. 65 lines 1-6), Edelman does not explicitly teach, but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier. Kunii teaches, Once the user enters or inputs the necessary information on the basis of the displayed registration or continuation screen via an input section U1, the training registration section U4 generates payment information and registration information on the basis of the user-entered information, and then transmits, via the communication network X, the payment information and registration information to a

billing section K3 of the management server WS. Here, the "payment information" represents a user-desired method of payment and various items of information necessary for the user-desired method of payment. The method of payment is a way of paying a fee of the registered musical performance training, such as payment by a credit card, bank account transfer, postal transfer, electronic money or the like. On the training step selection screen, there are shown a desired training step input area and a payment information input area. Via the desired training step input area, the user selectively enters a training step or new music piece which he or she wants to practice performing. via the payment information input area, the user enters a desired method of payment and other payment-related information necessary for performance practice of the entered desired training step or new music piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary skill in the art to modify the method of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). Edelman does not explicitly teach signaling to an operator network a user identifier stored in a subscriber identity module. Emondi teaches the interface 150 contains the hardware and/or software necessary to enable users to communicate with the messaging platform 100 via various access devices. Specifically, a particular access device transmits data and commands via an access device protocol, and the telephony messaging platform 100 processes data and commands in accordance with a messaging platform protocol. The STK protocol uses a

SIM card, which is a small card that includes a microprocessor and memory chip and which "belongs" to a specific user. When the user inserts the SIM card into an electronic device (e.g. a cellular phone), the cellular phone is identified by the system as the user's phone. The payment logic 150 contains the hardware and/or software necessary to enable users to pay for access to the messaging platform 100, to pay for listening to music tracks stored on the platform 100, and/or to purchase a CD via the multimedia system. For example, the payment logic 150 may enable a user to pay for various services or products by using a credit card. Alternatively, the payment logic 150 may be a two-way interface that enables the user to continue to interact with the messaging platform 100 after purchasing a product or service (see Emondi para. 32 lines 1-7; para. 36 lines 1-6; para. 39 lines 1-7 and 24-27) It would have been prima facie obvious to one of ordinary skill in the art to modify the methods of Edelman and Kunii in order to include the teachings of Emondi in order to send user specific payment information for listening to music tracks as taught in Emondi para. 39 lines 1-9.

8. As per Claim 2, Edelman in view of Kunii in further view of Emondi teaches the method of claim 1 as described above. Edelman further teaches registering the application with a user information server (see para. 75 and para. 67 lines 1-5, Examiner is interpreting the registration authority to be a user information server).

9. As per Claim 3, Edelman in view of Kunii in further view of Emondi teaches the method of claim 1 as described above. Edelman further teaches wherein the registering is via signaling between the business relationship manager module and the user information server and is according to session initiation protocol signaling or is signaling

using an extensible markup language over hypertext transfer protocol or secure hypertext transfer protocol (see para. 67 lines 8-10 and para. 68 lines 3-6).

10. As per Claim 5, Edelman in view of Kunii in further view of Emondi teaches the method of claim 1 as described above. Edelman further teaches herein the referring to one or more data stores is a referring to one more data stores hosted by the wireless terminal (see para. 60, Examiner is interpreting a licensing medium as a data store hosted by the wireless terminal).

11. As per Claim 6, Edelman in view of Kunii in further view of Emondi teaches the method of claim 1 as described above. Edelman further teaches wherein the referring to one or more data stores is a referring to one or more data stores maintained by a user information server of the operator network (see para. 77 lines 5-8).

12. As per Claim 7, Edelman in view of Kunii in further view of Emondi teaches the method of claim 1 as described above. Edelman further teaches receiving an indication to de-register the application (see para. 96 lines 1-5); signaling a de-register message to a user information server of the operator network so as to indicate that the application is to be de-registered (see para. 96 and para. 97).

13. As per Claim 8, Edelman in view of Kunii in further view of Emondi teaches the method of claim 1 as described above. Edelman further teaches, wherein the application is assigned an identifier common to all copies of the application (see para. 80 lines 1-3) and used as an identifier for the application in the one or more data stores holding information indicating whether the application is registered (see para. 82).

14. As per Claim 10, Edelman in view of Kunii in further view of Emondi teaches the method of claim 1 as described above. Edelman further teaches, wherein the options include a plan in which the user is billed monthly for use of the application (see para. 89 lines 3-5 and para. 90 lines 1-5, Examiner is interpreting a renewable monthly license as a monthly bill for use of the application).

15. As per Claim 14, Edelman teaches means for receiving an indication that an application is to be executed; means for referring to one or more data stores to determine whether the application is registered with an operator network (see para. 59 and 60, Examiner is interpreting a licensing medium as a data store. Although the licensing medium of Edelman is a removable smart card, it can also be embodied internally; see para. 62); and

16. means for signaling to the application that the application is registered if by referring to the one or more data stores the business relationship manager finds that the application is registered (see para. 59 lines 3-10 and para. 65 lines 1-6), Edelman does not explicitly teach, but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier. Kunii teaches, Once the user enters or inputs the necessary information on the basis of the displayed registration or continuation screen via an input section U1, the training registration section U4 generates payment information and registration information on the basis of the user-entered information, and then transmits, via the communication network X, the payment information and

registration information to a billing section K3 of the management server WS. Here, the "payment information" represents a user-desired method of payment and various items of information necessary for the user-desired method of payment. The method of payment is a way of paying a fee of the registered musical performance training, such as payment by a credit card, bank account transfer, postal transfer, electronic money or the like. On the training step selection screen, there are shown a desired training step input area and a payment information input area. Via the desired training step input area, the user selectively enters a training step or new music piece which he or she wants to practice performing. via the payment information input area, the user enters a desired method of payment and other payment-related information necessary for performance practice of the entered desired training step or new music piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary skill in the art to modify the method of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). Edelman does not explicitly teach signaling to an operator network a user identifier stored in a subscriber identity module. Emondi teaches the interface 150 contains the hardware and/or software necessary to enable users to communicate with the messaging platform 100 via various access devices. Specifically, a particular access device transmits data and commands via an access device protocol, and the telephony messaging platform 100 processes data and commands in accordance with a messaging platform protocol.

The STK protocol uses a SIM card, which is a small card that includes a microprocessor and memory chip and which "belongs" to a specific user. When the user inserts the SIM card into an electronic device (e.g. a cellular phone), the cellular phone is identified by the system as the user's phone. The payment logic 150 contains the hardware and/or software necessary to enable users to pay for access to the messaging platform 100, to pay for listening to music tracks stored on the platform 100, and/or to purchase a CD via the multimedia system. For example, the payment logic 150 may enable a user to pay for various services or products by using a credit card. Alternatively, the payment logic 150 may be a two-way interface that enables the user to continue to interact with the messaging platform 100 after purchasing a product or service (see Emondi para. 32 lines 1-7; para. 36 lines 1-6; para. 39 lines 1-7 and 24-27) It would have been prima facie obvious to one of ordinary skill in the art to modify the methods of Edelman and Kunii in order to include the teachings of Emondi in order to send user specific payment information for listening to music tracks as taught in Emondi para. 39 lines 1-9.

17. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman et al. U.S. Pre Grant Publication No. 2002/0029347 A1 in view of Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in further view of Emondi et al. U.S. Pre-Grant Publication No. 2002/0016748 A1 and CGI (Reference U of the attached PTO-892).

18. As per Claim 11, Edelman in view of Kunii in further view of Emondi teaches the method of claim 1 as described above. Edelman further teaches, wherein the application consumes network resources (see para. 73 lines 6-11, Examiner is interpreting the software accessing the smart card and performing periodic checks as

consuming network resources), Edelman further teaches an identifier indicating the application, and communicating the request along with the user and application identifiers to the operator network (see para. 67 lines 8-10 and para. 80 lines 1-3). Edelman does not explicitly teach a sending a get request. CGI teaches Every HTTP request and response includes a message header, describing the message. A message body may also be included: 1) A HEAD or GET request sends only a header. Any form data is encoded in an HTTP_QUERY_STRING header field, which is available to the CGI program as an environment variable QUERY_STRING (see para. 3 and 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Edelman, Kunii and Emondi to include a get request in order to encode data, as taught in CGI para. 3 and 4. Edelman does not explicitly teach appending to each get request by the application a user identifier stored in a subscriber identification module included in the wireless terminal. Emondi teaches, In addition, by redundantly storing the same music track (e.g. a very popular music track) at multiple platforms, the load on the entire system is reduced because multiple platforms can handle multiple requests for the same popular music track. The interface 150 converts the particular access device protocol into the messaging platform protocol (and vice versa) so that the particular access device can communicate with the telephony messaging platform 100. Examples of the access device include (but are not limited to) Subscriber Identity Module ("SIM") Took Kit ("STK"), Unstructured Supplementary Service Data ("USSD"), Hyper Text Markup Language ("HTML"). The STK protocol uses a SIM card, which is a small card that includes a microprocessor and

memory chip and which "belongs" to a specific user. When the user inserts the SIM card into an electronic device (e.g. a cellular phone), the cellular phone is identified by the system as the user's phone (see para. 26 lines 13-16; para. 32 lines 11-21 and para. 36 lines 1-6). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Edelman, Kunii, Emondi and CGI to further include the teachings of Emondi in order to send user specific music requests for listening to music tracks as taught in Emondi para. 43.

19. As per Claim 15, Edelman teaches an application, for providing a signal to confirm registration of the application with an operator network in response to a signal to begin execution, and further responsive to a signal indicating registration is in place (see para. 59 lines 3-10 and para. 60, Examiner is interpreting the client program embedded in electronic data to be the same as the recited "application"; in essence a BRM embedded in electronic data). Although the client program can be separately installed, it can also be embedded within executable electronic data; i.e. an application (see para. 59 lines 6-10);

a business relationship manager (see para. 60, Examiner is interpreting a client program to be a business relationship manager), responsive to the signal to confirm registration, for referring to one or more data stores to determine whether the application is registered with the operator network(see para. 60 and para. 65 lines 1-6, Examiner is interpreting the client program, embodied in an application, accessing information subsequent to being prompted by a user, as responsiveness to a signal to confirm registration). Although the licensing medium of Edelman is a removable smart

card, it can also be embodied internally (see para. 62), for signaling to the application that the application is registered if by referring to the one or more data stores the business relationship manager finds that the application is registered (see para. 59 lines 3-10 and para. 65 lines 1-6), Edelman does not explicitly teach, but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier. Kunii teaches Once the user enters or inputs the necessary information on the basis of the displayed registration or continuation screen via an input section U1, the training registration section U4 generates payment information and registration information on the basis of the user-entered information, and then transmits, via the communication network X, the payment information and registration information to a billing section K3 of the management server WS. Here, the "payment information" represents a user-desired method of payment and various items of information necessary for the user-desired method of payment. The method of payment is a way of paying a fee of the registered musical performance training, such as payment by a credit card, bank account transfer, postal transfer, electronic money or the like. On the training step selection screen, there are shown a desired training step input area and a payment information input area. Via the desired training step input area, the user selectively enters a training step or new music piece which he or she wants to practice performing. via the payment information input area, the user enters a desired method of payment and other payment-related information necessary for performance practice of the entered desired training step or

new music piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary skill in the art to modify the method of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). Edelman does not explicitly teach signaling to an operator network a user identifier stored in a subscriber identity module. Emondi teaches the interface 150 contains the hardware and/or software necessary to enable users to communicate with the messaging platform 100 via various access devices. Specifically, a particular access device transmits data and commands via an access device protocol, and the telephony messaging platform 100 processes data and commands in accordance with a messaging platform protocol. The STK protocol uses a SIM card, which is a small card that includes a microprocessor and memory chip and which "belongs" to a specific user. When the user inserts the SIM card into an electronic device (e.g. a cellular phone), the cellular phone is identified by the system as the user's phone. The payment logic 150 contains the hardware and/or software necessary to enable users to pay for access to the messaging platform 100, to pay for listening to music tracks stored on the platform 100, and/or to purchase a CD via the multimedia system. For example, the payment logic 150 may enable a user to pay for various services or products by using a credit card. Alternatively, the payment logic 150 may be a two-way interface that enables the user to continue to interact with the messaging platform 100 after purchasing a product or service (see Emondi para. 32 lines 1-7; para.

36 lines 1-6; para. 39 lines 1-7 and 24-27) It would have been prima facie obvious to one of ordinary skill in the art to modify the methods of Edelman and Kunii in order to include the teachings of Emondi in order to send user specific payment information for listening to music tracks as taught in Emondi para. 39 lines 1-9.

20. As per Claim 16, Edelman teaches the wireless terminal (see para. 62 lines 1-4) and an operator network to which the user of the wireless terminal is subscribed (see para. 58 lines 10-12), the operator network including a user information server (see para. 67 lines 1-5, Examiner is interpreting the registration authority implemented as a server on a network, to be an operator network including a user information server), wherein:

a business relationship manager included in the wireless terminal is configured to respond to a signal from the application by signaling a request to the operator network to determine whether the application is registered (see para. 60, Examiner is interpreting the client program, embodied in an application, accessing information subsequent to being prompted by a user, as responsiveness to a signal to confirm registration). Although the licensing medium of Edelman is a removable smart card, it can also be embodied internally; see para. 62),and for signaling to the application an indication of whether the application is registered (see para. 59 lines 3-10 and para. 65 lines 1-6), Edelman further teaches, the user information server of the operator network is configured to respond to the request to determine whether the application is registered by referring to a data store hosted by the operator network (see para. 60, Examiner is interpreting the licensing medium as a data store). Edelman does not

explicitly teach and for displaying options for paying for use of the application and for registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier of the application. Kunii teaches Once the user enters or inputs the necessary information on the basis of the displayed registration or continuation screen via an input section U1, the training registration section U4 generates payment information and registration information on the basis of the user-entered information, and then transmits, via the communication network X, the payment information and registration information to a billing section K3 of the management server WS. Here, the "payment information" represents a user-desired method of payment and various items of information necessary for the user-desired method of payment. The method of payment is a way of paying a fee of the registered musical performance training, such as payment by a credit card, bank account transfer, postal transfer, electronic money or the like. On the training step selection screen, there are shown a desired training step input area and a payment information input area. Via the desired training step input area, the user selectively enters a training step or new music piece which he or she wants to practice performing. Via the payment information input area, the user enters a desired method of payment and other payment-related information necessary for performance practice of the entered desired training step or new music piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary skill in the art to modify the system of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step

and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). Edelman does not explicitly teach signaling to an operator network a user identifier stored in a subscriber identity module. Emondi teaches the interface 150 contains the hardware and/or software necessary to enable users to communicate with the messaging platform 100 via various access devices. Specifically, a particular access device transmits data and commands via an access device protocol, and the telephony messaging platform 100 processes data and commands in accordance with a messaging platform protocol. The STK protocol uses a SIM card, which is a small card that includes a microprocessor and memory chip and which "belongs" to a specific user. When the user inserts the SIM card into an electronic device (e.g. a cellular phone), the cellular phone is identified by the system as the user's phone. The payment logic 150 contains the hardware and/or software necessary to enable users to pay for access to the messaging platform 100, to pay for listening to music tracks stored on the platform 100, and/or to purchase a CD via the multimedia system. For example, the payment logic 150 may enable a user to pay for various services or products by using a credit card. Alternatively, the payment logic 150 may be a two-way interface that enables the user to continue to interact with the messaging platform 100 after purchasing a product or service (see Emondi para. 32 lines 1-7; para. 36 lines 1-6; para. 39 lines 1-7 and 24-27) It would have been prima facie obvious to one of ordinary skill in the art to modify the systems of Edelman and Kunii in order to include the teachings of Emondi in order to send user specific payment information for listening to music tracks as taught in Emondi para. 39 lines 1-9.

21. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman et al. U.S. Pre Grant Publication No. 2002/0029347 A1 in view of Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in further view of Emondi et al. U.S. Pre-Grant Publication No. 2002/0016748 A1 and CGI (Reference U of the attached PTO-892) and Samjani, "General Packet Radio Service {GPRS}" (Reference V of the attached PTO-892).

22. As per Claim 17, Edelman in view of Kunii in further view of Emondi teaches the method of claim 16 as described above. Edelman further teaches, wherein the business relationship manager is configured to append to each request by the application a user identifier and an application identifier (see para. 67, lines 8-10 and para. 80 lines 1-3). Edelman does not explicitly teach a sending a get request. CGI teaches Every HTTP request and response includes a message header, describing the message. A message body may also be included: 1) A HEAD or GET request sends only a header. Any form data is encoded in an HTTP_QUERY_STRING header field, which is available to the CGI program as an environment variable QUERY_STRING (see para. 3 and 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the systems of Edelman, Kunii and Emondi to include a get request in order to encode data as taught in CGI para. 3 and 4). Edelman does not explicitly teach a gateway general packet radio service support node, and further and the general packet radio service support node is configured to count packets bearing the user identifier and application identifier by monitoring received packets. Samjani teaches,

packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the systems of Edelman, Kunii, Emondi and CGI include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

23. Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in view of Emondi et al. U.S. Pre-Grant Publication No. 2002/0016748 A1.

24. As per Claim 19, Kunii teaches providing to a wireless terminal at least one option for paying for use of an application hosted by the wireless terminal (see para. 46 lines 10-19 and para. 52 lines 4-15) and receiving an indication of an option for paying for use of the application along with an identifier of the application (see para. 53 lines 15-21). Kunii does not explicitly teach receiving a user identifier stored in a subscriber identity module included in the wireless terminal. Emondi teaches the interface 150 contains the hardware and/or software necessary to enable users to communicate with the messaging platform 100 via various access devices. Specifically, a particular access device transmits data and commands via an access device protocol, and the

telephony messaging platform 100 processes data and commands in accordance with a messaging platform protocol. The STK protocol uses a SIM card, which is a small card that includes a microprocessor and memory chip and which "belongs" to a specific user. When the user inserts the SIM card into an electronic device (e.g. a cellular phone), the cellular phone is identified by the system as the user's phone. The payment logic 150 contains the hardware and/or software necessary to enable users to pay for access to the messaging platform 100, to pay for listening to music tracks stored on the platform 100, and/or to purchase a CD via the multimedia system. For example, the payment logic 150 may enable a user to pay for various services or products by using a credit card. Alternatively, the payment logic 150 may be a two-way interface that enables the user to continue to interact with the messaging platform 100 after purchasing a product or service (see Emondi para. 32 lines 1-7; para. 36 lines 1-6; para. 39 lines 1-7 and 24-27). It would have been prima facie obvious to one of ordinary skill in the art to modify the method Kunii to include the teachings of Emondi in order to send user specific payment information for listening to music tracks as taught in Emondi para. 39 lines 1-9.

25. As per Claim 22, Kunii teaches a software business server (see para. 43 lines 1-10), for providing to a wireless terminal at least one option for paying for use of an application hosted by the wireless terminal see para. 46 lines 10-19 and para. 52 lines 4-15); and a user information server (see para. 53 lines 1-8), for receiving an indication of an option for paying for use of the application along with an identifier of the application piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21); Kunii does not explicitly teach a user identifier stored in a subscriber identity module included

in the wireless terminal. Emondi teaches the interface 150 contains the hardware and/or software necessary to enable users to communicate with the messaging platform 100 via various access devices. Specifically, a particular access device transmits data and commands via an access device protocol, and the telephony messaging platform 100 processes data and commands in accordance with a messaging platform protocol. The STK protocol uses a SIM card, which is a small card that includes a microprocessor and memory chip and which "belongs" to a specific user. When the user inserts the SIM card into an electronic device (e.g. a cellular phone), the cellular phone is identified by the system as the user's phone. The payment logic 150 contains the hardware and/or software necessary to enable users to pay for access to the messaging platform 100, to pay for listening to music tracks stored on the platform 100, and/or to purchase a CD via the multimedia system. For example, the payment logic 150 may enable a user to pay for various services or products by using a credit card. Alternatively, the payment logic 150 may be a two-way interface that enables the user to continue to interact with the messaging platform 100 after purchasing a product or service (see Emondi para. 32 lines 1-7; para. 36 lines 1-6; para. 39 lines 1-7 and 24-27) It would have been prima facie obvious to one of ordinary skill in the art to modify the methods of Edelman and Kunii in order to include the teachings of Emondi in order to send user specific payment information for listening to music tracks as taught in Emondi para. 39 lines 1-9.

26. Claims 20-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in view of Emondi et al.

U.S. Pre-Grant Publication No. 2002/0016748 A1 and Samjani, "General Packet Radio Service {GPRS}" (Reference V of the attached PTO-892).

27. As per Claim 20, Kunii in view of Emondi teach the method of claim 19 as described above. Kunii further teaches receiving from the wireless terminal a request issued by the application along with the user identifier and the identifier indicating the application (see para. 60 and 65); and Kunii does not explicitly teach a get request. CGI teaches Every HTTP request and response includes a message header, describing the message. A message body may also be included: 1) A HEAD or GET request sends only a header. Any form data is encoded in an HTTP_QUERY_STRING header field, which is available to the CGI program as an environment variable QUERY_STRING (see para. 3 and 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Kunii to include a get request in order to encode data as taught in CGI para. 3 and 4). Kunii does not explicitly teach counting the packets bearing the identifier indicating the user and the identifier indicating the application. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the methods of Kunii and CGI to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for

submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

28. As per Claim 21, Kunii in view of Emondi teach the method of claim 19 as described above. Kunii does not explicitly teach wherein the support node is a gateway general packet radio service support node. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the system of Kunii to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

29. As per Claim 24, Kunii in view of Emondi teach the method of claim 22 as described above. Kunii does not explicitly teach wherein the support node is a gateway general packet radio service support node. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand

the methods of Kunii and Emondi to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

30. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in view of Emondi et al. U.S. Pre-Grant Publication No. 2002/0016748 A1 in further view of CGI (Reference U of the attached PTO-892) and Samjani, "General Packet Radio Service {GPRS}" (Reference V of the attached PTO-892).

31. As per Claim 23, Kunii in view of Emondi teaches the method of claim 22 as described above. Kunii further teaches receiving from the wireless terminal a request issued by the application along with the user identifier and the identifier indicating the application (see para. 60 and 65), Kunii does not explicitly teach a get request. CGI teaches Every HTTP request and response includes a message header, describing the message. A message body may also be included: 1) A HEAD or GET request sends only a header. Any form data is encoded in an HTTP_QUERY_STRING header field, which is available to the CGI program as an environment variable QUERY_STRING (see para. 3 and 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Kunii to include a get request in order to encode data as taught in CGI para. 3 and 4). Kunii does not explicitly teach a gateway support node, for counting the packets bearing the identifier indicating the user and the identifier indicating the application. Kunii does not explicitly teach counting the

packets bearing the identifier indicating the user and the identifier indicating the application. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the methods of Kunii and CGI to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

32. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonya Joseph whose telephone number is 571-270-1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tonya Joseph
Examiner
Art Unit 3628

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER